1.0 INTRODUCTION

The document consists of proposed management actions and alternatives for public lands in the Northern and Eastern Mojave (NEMO) Planning Area and a draft environmental impact statement (DEIS) which analyzes the effects of all alternatives for public review and comment[1]. The Northern and Eastern Mojave (NEMO) Planning Area encompasses 3.3 million acres of which 2.4 million acres are public lands.[2] This Planning Area is located in the Mojave Desert in southeastern California adjacent to Nevada (Refer to Figure 1, Chapter 7).

The public lands in the NEMO Planning Area are intermingled with private and State holdings, but exist generally in three large blocks split by two large National Park Service Units: Death Valley National Park (DVNP) and the Mojave National Preserve[3] (MNP). The NEMO Planning Area borders Nevada on the east, Fort Irwin and the West Mojave Planning Area on the west, and I-40 and the Northern and Eastern Colorado Planning Area on the south. The northern Planning Area boundary is the California Desert Conservation Area (CDCA) boundary, formed along the Inyo Mountains and its adjacent valleys. Most of the adjacent land in Nevada is also managed by the Bureau of Land Management under the jurisdiction of the Las Vegas Field Office.

1.1 PURPOSE AND NEED

The California Desert Conservation Area (CDCA), is 25 million acres comprising one of two national conservation areas established by Congress at the time of the passage of the Federal Land and Policy Management Act (FLPMA)[4]. FLPMA provided how the Bureau of Land Management should manage public lands, and recognized that the California desert is fragile, and contains historic, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to areas of large population in southern California and southern Nevada. The use of all California desert resources can and should be provided for in a multiple-use and sustained yield management manner to conserve these resources for future generations while providing for present and future uses. Congress specifically provided guidance for the management of the CDCA, including the formation of the Desert Advisory Council, and directed the development of the 1980 CDCA Plan

As large and diverse as the California desert is, many different interests are represented. These include federal, State, and local agencies that manage lands and resources, and people that live and work in the area, come to the desert for recreational pursuits, and regularly pass through this area on their way to other places. Utilizing a multi-

[1] The EIS is being prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.) and implementing regulations (40 CFR 1500, et seq.), to address the potential impacts of all of the alternatives, including No Action.
[2] Public Lands as referred to in this document are those federal lands managed by the Bureau of Land Management.
[3] Mojave National Preserve and Death Valley National Park have each released separate draft Environmental Impact Statements and General Management Plans covering the lands within their jurisdictions in the NEMO Planning Area.
[4] Federal Land Policy and Management Act of 1976. Title VI. Section 601. 90 Stat. 2743, PL 94-579.

disciplinary planning process, these multiple interests, through dialogue and their collective resources, expertise, and experiences, sought in 1980 with the adoption of the CDCA Plan to begin the definition of public land health for desert landscapes; to find the balance between protection and use that assures future generations sustained yield while allowing current generations to enjoy and use desert resources; and to be good neighbors in an area where we have many neighbors.

The CDCA Plan recognized that as conditions change and information is gathered and updated, modifications would be made to the Plan. As a result, plan amendments have been proposed to the CDCA Plan on a fairly regular basis. Nine events have created changes in circumstances on public lands in the Northern and Eastern Mojave Planning Area; the events have triggered proposed plan amendments to the CDCA Plan that are presented and analyzed in this document. These events provide the purpose and need for this planning effort and include:

- adoption of National BLM policy directing the development of standards for public land health, and guidelines for grazing management on public lands;
- listing of the desert tortoise (*Gopherus agassizii)* as threatened under the State and Federal Endangered Species Act(s) (ESAs), designation of critical habitat for this species and publication of a recovery plan;
- listing of the Amargosa vole (*Microtus californicus scirpensis*) as endangered under the State and Federal ESAs, designation of critical habitat for this species and publication of a recovery plan;
- listing of the Amargosa niterwort (*Nitrophila mohavensis*) as endangered under the State and Federal ESAs, listing of Ash Meadows gumplant (*Grindelia fraxino-pratensis*) and spring-loving centaury (*Centaurium namophilum var. namophilum*) as threatened under the Federal ESA, and designation of critical habitat for the former two plant species;
- increasing concern for population status and the possible need for the listing of several bat species as threatened or endangered under the State and Federal ESAs;
- passage of the California Desert Protection Act of 1994 (CDPA) and the need to conform the CDCA plan to it; including the need to address competitive speed events now that a portion of the Barstow-to-Vegas OHV Race Course is in the Mojave National Preserve;
- implementation of BLM policy directing all specific routes of travel designations be completed as land-use planning decisions;
- adoption of new BLM policies directing the elimination of landfills on public lands, either through closure or transfer out of federal ownership; and
- implementation of BLM policy to identify potentially eligible rivers on BLM-managed lands and develop suitability analyses for the Wild and Scenic Rivers System.

The BLM, California Desert District has initiated plan amendments to the CDCA Plan for the NEMO Planning Area in accordance with Chapter 7 of the CDCA Plan (1980) and

with BLM planning regulations outlined in 43 Code of Federal Regulations (CFR) 1610.5-5,

1.2 PLANNING PROCESS OVERVIEW

The land-use planning and the CDCA plan amendment process in the NEMO Planning Area include nine steps. This process is iterative rather than linear, since information does not reveal itself neatly from one step to the next. The nine steps are:

1. Issue identification - Major issues drive the planning process and indicate concerns that the BLM, other agencies, and the public may have regarding the management of resources in the NEMO Planning Area. An issue is defined as an opportunity, conflict, or problem pertaining to the management of public lands and associated resources. The major planning issues are discussed in more detail in the next section, and are summarized in the plan goals at the end of this chapter. For a list of all issues identified during the public scoping process for the NEMO planning effort and how they are being addressed, refer to Table 5-1.

2 Identification of planning criteria - The BLM planning criteria for this effort were derived from public and agency scoping beginning in the summer of 1995, laws, Executive Orders, regulations, recovery plans, planning principles, BLM guidance and available resource information for the area. They are listed in Appendix L.

3. Inventory and data evaluation - Using the planning criteria, specialists reviewed and evaluated available data, including field examinations, published and unpublished studies, and consultations with individuals and staff from other agencies and organizations. An interagency biological team was formed to evaluate biological data and develop recommendations for desert tortoise and provide input on other threatened and endangered species issues. See the reference list at the end of the document for data sources utilized in the compilation of this document. Some data is also referenced in the Current Management Situation for the desert tortoise.

4. Analysis of the management situation - An analysis of the general management situation summarizes the condition and capabilities of the resources in the Planning Area (see Appendix K). It tiers from information in the CDCA Plan of 1980 and associated technical appendices that were prepared in conjunction with CDCA Plan development. In addition, a Current Desert Tortoise Management Situation (Foreman, 1998) was prepared under separate cover in April 1998. This and other reference documents are available for review at BLM offices in the California Desert District (Ridgecrest, Needles, Barstow or the District Office in Riverside). These analyses provide a basis for consideration of developing and evaluating alternatives and are generally incorporated into the "No Action" Alternative and the affected environment except where indicated.

5. Formulation of alternatives - On the basis of the issues identified for the eight major areas of change to be addressed, planning criteria, and concerns raised during

scoping, a range of alternatives was identified to address the plan goals. Each alternative must adequately address the plan goal and associated issues, while emphasizing different management strategies. The "No Action" Alternative (Alternative 1) is required by the National Environmental Policy Act and may be limited to the extent it can fulfill these requirements. The alternatives are discussed in detail in Chapter 2 of this document.

6. Analysis of the effects of the alternatives - In this document the impacts analysis, located in Chapter Four, is provided by resource or use that may be affected to ease comparison. Site-specific environmental documents will be prepared where follow-up site-specific projects and analyses are proposed that are not included with this document.

7. Selection of the preferred alternative - The California Desert District Manager selected the Preferred Alternative based on the issues and information identified through the planning process; coordination and consultation with other agencies and entities; and the impacts analyses of the alternatives. The Draft Plan Amendments/Environmental Impact Statement (EIS) is now being distributed to the public, including other governmental agencies and interest groups, for a 90-day review and comment period.

8. Selection of the Resource Management Plan - Analyzes public comments, modifies the alternative s as appropriate and serves as a basis for the management plan. The proposed and final EIS is distributed to the public in the final EIS document. A 30-day protest period is allowed before to plan is adopted. A record of decision is published after consideration of all comments or protests.

9. Monitoring and Evaluation - This step involves monitoring and evaluating the resource conditions as the plan is implemented. If monitoring shows that resource issues are not being satisfactorily resolved or that the desired results outlined in the plan are not being met, the plan may be amended or revised.

1.3 MAJOR ISSUES

The following is a discussion of the major issues included in this plan.

1.3.1 ADOPTION OF STANDARDS AND GUIDELINES

The grazing regulations at Part 43 CFR 4180 require that State Directors, in consultation with Resource Advisory Councils, develop Standards of Rangeland Health and Guidelines for Grazing management. The grazing regulations require that the standards be in conformance with the “Fundamentals of Rangeland Health” and that the standards and guidelines address each of the “guiding principles” as defined in the regulations. See Appendix P for a list of these fundamentals and the attributes or guiding principles.

During the development of the grazing regulations it was recognized that the fundamentals of rangeland health and guiding principles for standards address ecological components that are affected by all uses of public rangelands, not just livestock grazing. However, the scope of the grazing regulations and the fundamentals of rangeland health of § 4180.1, and the standards and guidelines to be made effective under § 4180.2, were limited to grazing administration. Application of the principles contained in subpart 4180 to resources and uses of public rangelands other than authorized grazing activities require separate action by BLM or the Department.

By this plan amendment, public land health standards are proposed for all resources and uses on the public lands. Bureau staff, in consultation with the California Desert District Advisory Council, have developed "Standards of Public Land Health" which satisfy both the requirements of the Bureau Strategic Plan and comply with the fundamentals of rangeland health and address each of the guiding principles as required by the grazing regulations. Further they have developed guidelines for grazing management that address each of the guiding principles identified in the grazing regulations. At this time there are no plans to develop guidelines for other activities.

A set of National fallback standards of rangeland health applicable in grazing allotments and guidelines applicable to livestock grazing management was established in 43 CFR 4180.2. They represent the "No Action" Alternative described in Chapter 2. The fallback standards of rangeland health, as written, do not fully address plan goals, since BLM national direction is to address the health of all public lands in the development of standards.

Questions to be addressed in this planning effort include:

- Do the proposed regional standards comply with guidance in the BLM's strategic Plan? (See www.blm.gov and click on Strategic Plan to view 2000 BLM Strategic Plan.)
- Are proposals to address other plan goals consistent with public land health standards that are proposed for adoption under each alternative?
- Will these standards provide an adequate tool for assessing public land health?

1.3.2 T&E SPECIES CONSERVATION AND PROTECTION: DESERT TORTOISE

In 1990 the U. S. Fish and Wildlife Service (USFWS) designated the desert tortoise as a federally-threatened species and in June 1994, published *the Recovery Plan for Desert Tortoise* as required by the Federal Endangered Species Act. The recovery plan established recovery goals and recommended site-specific management actions to achieve the goals. The NEMO Plan proposes alternative habitat and species conservation and recovery strategies on public lands in the NEMO Planning Area in order to achieve recovery of the desert tortoise in the Eastern Mojave Recovery Unit[5]. Issues addressed in

[5] The preferred alternative is to propose that USFWS modify recovery unit boundaries so that all of NEMO is part of the Eastern Mojave Recovery Unit. Currently a portion of the Planning Area is in the Northern and Eastern Mojave

the planning effort to accomplish this include habitat disturbance and fragmentation, direct and indirect mortality, potential competitors for forage (i.e., livestock grazing and burros), and long-term habitat degradation.

Alternatives are developed that address a consistent approach for permitted uses where a limited and defined amount of habitat disturbance is involved. In addition, alternatives are developed to ensure that, cumulatively, permitting of uses will not contribute to substantial fragmentation of prime[6] (critical and Category I) desert tortoise habitat. Activities that are not as quantitatively predictable in scope but which may result in large areas of habitat disturbance (e.g., wildfire suppression) are treated specifically. Route designation also is proposed for areas with Category I desert tortoise habitat, within proposed DWMAs, in part to limit habitat disturbance, particularly in desert washes that provide valuable habitat components.

Direct and indirect mortality are addressed through proposals to fence freeways and other major roads. In addition, control of other sources of direct mortality from routes is addressed within prime desert tortoise habitat, including through management of numbers of routes and speed limits on those routes as noted previously. Alternatives also are developed to address mortality caused by raven predation on desert tortoises.

Since there is overlap in what desert tortoises and cattle eat and a limited amount of forage available on public lands during certain seasons and dry years, management of forage used by livestock is considered essential to long-term recovery of the desert tortoise. Desert tortoise are considered substantially more susceptible to mortality from stresses, such as disease, drought, low nutritional intake, and air pollution, when such stresses are compounded. Livestock management currently includes limitations on forage use of key perennial species, seasonal use and drought limitations, and strategies to manage range improvements (e.g., range waters) to minimize conflicts with desert tortoise.

Burro conflicts and management strategies are similar in some respects to those for livestock because they are in large part forage-based. However, the scope of the issue is limited primarily to the area north of I-15 where the overlap with prime desert tortoise habitat occurs (i.e., the Clark Mountain Herd Management Area). Burros have few natural predators in the NEMO Planning Area, and population numbers and their Herd Management Areas (HMA) have to be regularly monitored to ensure they are trending downward toward the Appropriate Management Level (AML).

Alternatives address the numbers, locations, levels and seasons of use for both livestock and burros to minimize conflicts with desert tortoise. With the designation of the Mojave National Preserve and the National Park Service policy of burro removal, the

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Recovery Unit, but it forms a cohesive unit with the rest of the Eastern Mojave Desert tortoise habitat. Strategies for the Northern and Eastern Mojave Recovery Unit are focused firstly in areas northeast of Las Vegas, and secondarily, in an area north of Nipton Road in an area of Nevada that is not adjacent to the State line.

[6] The only Category II habitat in the NEMO planning area is in the Mojave National Preserve, which is addressed in a separate National Park Service planning effort covering the Preserve.

development of a viable drift management strategy is also a consideration in alternative development and evaluation in desert tortoise habitat.

Long-term habitat degradation can occur when productive plant communities change on a landscape scale due to spreading non-native species that replace native species, especially perennials. Several factors contribute to the spreading of non-native species, including cattle and burro grazing, wildfire and non-native seed dissemination along regularly disturbed areas such as routes. All of these issues are addressed in alternatives. The issue of landscape scale is also addressed through alternatives that propose a cumulative approach to habitat disturbances.

Questions to be addressed in this planning effort include:

- What level of habitat disturbance can be tolerated in prime (Category I) desert tortoise habitat that ensures habitat fragmentation and disturbances are not excessive and provides for some level of uses to occur? When disturbances do occur, what strategies can be pursued to assure lands are rehabilitated to suitable habitat?
- What fencing strategy should be adopted to minimize desert tortoise mortality on major roads that pass through prime tortoise habitat?
- What strategy should be adopted to address hatchling and juvenile tortoise predation by ravens?
- What route designation choices are appropriate in the highest value tortoise habitat? If the Bureau finds areas where overall route density is not optimal, which routes should be kept open and which routes should be closed and rehabilitated? Which washes should the Bureau designate as open, closed or limited in Category I habitat?
- Where, in relation to existing routes should vehicles be allowed to park and camp within Category I habitat?
- What strategies are most appropriate for livestock grazing management within Category I and within other desert tortoise habitat to minimize conflicts? Likewise, what strategy should we pursue for burro management in Category I and other desert tortoise habitat north of I-15 to minimize conflicts?
- What strategies should we adopt to minimize the spread of non-native plants in Category I desert tortoise habitat?
- What land tenure strategy should be pursued in Category I desert tortoise habitat?

1.3.3 T&E SPECIES CONSERVATION AND PROTECTION: AMARGOSA VOLE

In 1984, one year following completion of the BLM's Amargosa Canyon and Grimshaw Lake Natural Area ACEC Management Plans, critical habitat was designated for the State and federally endangered Amargosa vole. ACEC management planning provided a limited conservation strategy for the Amargosa vole, as species distribution was not well known. Designated critical habitat for the Amargosa vole includes an area of public land

managed by BLM located between and linking the aforementioned natural area ACECs. The USFWS finalized the recovery plan for this species in 1998.

This document proposes alternative habitat and species conservation and recovery strategies on public lands in the NEMO Planning Area, in order to conserve and move towards recovery of the Amargosa vole. Major issues identified in the planning effort to be addressed in ACEC planning include loss of riparian and wetland habitat, disturbance and fragmentation of habitat, fragility of vole population and genetic dynamics, potential conflicts and vole response to other uses, and flooding in the riparian corridor. Also, during analysis of the riparian corridor in this planning effort, three reaches of the Amargosa River were identified as eligible for Wild and Scenic Rivers suitability determinations (See Appendix O). Questions to be addressed in this planning effort include:

- What area should be identified for protection of Amargosa vole, related riparian, and watershed values to safeguard T&E and sensitive species populations, given the private lands and uses around Tecopa Hot Springs and the town of Shoshone?
- What land tenure strategy should be pursued in critical habitat and other riparian lands to provide additional habitat for the endangered vole and other sensitive species?
- What strategies should be pursued to continue and expand native riparian vegetation rehabilitation within the Amargosa watershed?
- What actions should be considered to address major issues during ACEC management planning?
- What restrictions on water uses and protective measures for water quality and quantity should be pursued within Amargosa vole habitat and the surrounding riparian corridor?

1.3.4 T&E SPECIES CONSERVATION AND PROTECTION: CARSON SLOUGH PLANTS

Two federally-listed plants, the endangered Amargosa niterwort and the threatened Ash Meadows gumplant, as well as the BLM-designated sensitive Tecopa birdsbeak are found in the lower Carson Slough drainage of the Amargosa River and the adjacent Franklin Lake Playa. Critical habitat has been designated in an area called Carson Slough for the first two federally-listed plants. These two critical habitat units are separated by a 1.2 mile-wide stretch of public lands. Portions of both units, and the area between these units, are suspected to support the spring-loving centaury, a federally-listed species, as well.

This tributary and its upstream source waters in Ash Meadows National Wildlife Refuge are the source waters for the Central Amargosa region, addressed in the previous proposal for Amargosa vole recovery. The southern, downstream half of these critical habitat units, located on the northern portion of Franklin Lake Playa, has long been recognized as a unique plant community and is BLM-designated as the Salt And Brackish Water Marsh Unusual Plant Assemblage (UPA) in the CDCA Plan.

The current planning document proposes alternative species and riparian habitat conservation strategies on public lands in the NEMO Planning Area in order to protect listed plant species. Questions to be addressed in this planning effort include:

- What areas should be identified for protection of listed plant species, related riparian, and watershed values to safeguard T&E and sensitive species populations, given the historic and recent uses around Carson Slough?
- What strategies should be pursued to help ensure a continuing riparian flow, vegetation, and soil substrate necessary for T&E plants to survive and thrive?
- What actions should be taken to address trampling and grazing of T&E plants by wild horses?
- What mechanisms can be identified to address damage to T&E plants from surface disturbing activities, including those associated with route proliferation during exploratory mining activities?

1.3.5 T&E SPECIES CONSERVATION AND PROTECTION: SILURIAN HILLS BATS

Eight bat species are known to occur in the Planning Area and have been designated as BLM-California sensitive. These bat species use the Amargosa River and Kingston Wash watersheds and particularly habitat on the north and west facing slopes of the Kingston Mountains, within the Hollow Hills and Silurian Hills. Cliff faces and crevice slopes, both commonly used natural roosts for many bat species, are abundant in the Silurian Hills. Mine shafts and adits are also quite numerous in the Silurian Hills, and at least five bat species are known to utilize these shafts and adits as roosting, hibernation and maternity sites. Alternative strategies to better protect sensitive bat species and habitat in this area, particularly during times when roosting and reproduction is occurring, are presented in this document.

Issues to be addressed in the planning effort include direct and indirect mortality, protection of new habitat and loss or disturbance of existing habitat, and potential conflicts and bat response to other uses. The main threats to bats and their habitats include:

- vehicle route proliferation and associated resource impacts in the vicinity of suitable bat roost sites (rock crevices, cliffs, mines) and foraging areas (sand dunes, washes, springs, playas, etc.).
- disturbance of rock crevice and cliff habitats resulting from other uses, particularly by mining;
- human visitation of mine shafts and adits; and
- dumping of trash and contaminants, and the burning materials, in mine shafts;
- camping adjacent to bat habitat.

Questions to be addressed in this planning effort include:

- What land use management tools will provide adequate protection for maternity,

hibernation and day roosts?
- Does a case-by-case or programmatic approach make more sense to address potentially conflicting uses and bat management in this area?

1.3.6 CDCA PLAN CHANGES RESULTING FROM THE CALIFORNIA DESERT PROTECTION ACT: RELEASED LANDS

On October 31, 1994 Congress passed the California Desert Protection Act (CDPA) affecting millions of acres of public lands in the California Desert. Specifically, in the NEMO Planning Area the CDPA:

- Created the Mojave National Preserve as a new unit of the National Park System and designated 50% of its lands as wilderness;
- Expanded Death Valley National Monument, and converted the monument into a national park and designated 95% of its lands as wilderness;
- Designated 1.2 million acres of BLM wilderness and released some public lands (approximately 475,000 acres) from wilderness consideration that were not designated wilderness.

The passage of the CDPA has necessitated changes in the CDCA Plan to bring it into compliance with the Act. The CDCA Plan maintenance actions are not discretionary (although they may have triggered related, discretionary, proposals) and are listed in Appendix M.

Released wilderness study areas include two categories of lands[7]. In the first category, are public lands that were released WSAs and recommended as non-suitable by the BLM. According to the CDCA Plan (p.54), these lands return to their original multiple-use class (MUC) designation (No Action). The second category are lands recommended as suitable by BLM, and which Congress chose not to designate as wilderness and chose to release from further wilderness consideration. In this second instance, the range of alternatives on BLM-managed public lands also tiers from the strategy proposed in the CDCA Plan (p. 55 of the CDCA Plan as amended by the 1982 Plan Amendments Record of Decision, p, 121). These lands were managed as MUC C during wilderness consideration, but can no longer be managed under that designation, by definition. The CDCA Plan strategy indicates recommended WSAs have an interim MUC Limited designation (No Action), and secondly that permanent MUC designation shall be determined through the land use planning process.

[7] There may also be remnant parcels that show up due to Congressional boundary adjustments which are relatively small or long, linear slivers. This would occur for example, where WSA boundaries are pulled back 100 feet from a roadway along a mile-long length of road, or where Congress made a small boundary adjustment to a geographical or other feature which resulted in released lands. In those cases where small acreages or long slivers of public lands are released to the BLM for redesignation of their MUC, the redesignation is being addressed as a plan maintenance action under 2.3.4. Lands would be redesignated consistent with surrounding MUC that is not wilderness or WSA.

The NEMO planning process will determine permanent MUCs for all of these released lands. Considerations include resource sensitivity, surrounding MUC, and other activities including those that Congress may have noted in their rejection of the wilderness designations. The questions identified to be addressed on these lands are:

- Have any of the lands undergone a significant change in circumstance since the last plan amendment process was completed for this Planning Area, such that they should be considered for a MUC other than the MUC originally designated in the CDCA Plan?
- On each released parcel, what are the site-specific factors (CDPA, proposed desert tortoise zoning, ACECs, OHV open areas, changes to surrounding MUC) the BLM should weigh in its consideration of appropriate MUC?
- Should the lands not recommended as wilderness (where MUC of adjacent lands had been changed by previous CDCA plan amendment) be considered for a MUC other than the MUC originally designated in the CDCA Plan?
- Should any of the lands recommended as wilderness be designated as a MUC other than MUC Limited, which is the interim designation in the CDCA Plan?

1.3.7 CDCA PLAN CHANGES RESULTING FROM THE CALIFORNIA DESERT PROTECTION ACT: ACECS CONSIDERED FOR DELETION

Five Areas of Critical Environmental Concern (ACECs) were affected by the expansion of the National Park Service jurisdiction in the NEMO planning area (Cerro-Gordo, Clark Mountain, Greenwater Canyon, Saline Valley, and Surprise Canyon). Area of Critical Environmental Concern (ACEC) is a BLM management tool that is not utilized by the National Park Service. Therefore, a preliminary evaluation of these ACECs was conducted to determine whether remaining lands administered by the BLM warrant ACEC status. Four of the ACECs contain a substantial number of the values for which they were originally designated. The fifth is the Greenwater Canyon Cultural ACEC, which is considered further in this planning effort, in terms of whether it has sufficient sensitive values on BLM-administered lands to meet ACEC importance and relevance criteria.

Approximately 73 percent of the Greenwater Canyon Cultural ACEC, originally comprising approximately 3,000 acres of public lands, is no longer under the jurisdiction of the BLM as a result of the expansion of Death Valley National Park. Most of the important cultural values are now located within the boundaries of DVNP. The question to be addressed in this planning effort is:

- Should the remaining 820 acres of public lands remain an ACEC?

1.3.8 ORGANIZED COMPETITIVE VEHICLE EVENTS

The Barstow-to-Vegas (B-to-V) Motorcycle Racecourse was established by a 1982 Plan Amendment to the CDCA Plan on 17 May 1983. The B-to-V course is approximately

250 miles in length and crosses the West Mojave Desert, Mojave National Preserve (approximately 23.4 miles) and the NEMO Planning Area (34.6 miles), then crosses into Nevada through the lands managed by the BLM Las Vegas Field Office. Within California, approximately 65 percent of the course is located in prime (critical and Category I) desert tortoise habitat, whereas through Nevada it crosses outside of the areas designated as tortoise ACECs by the BLM's Las Vegas Resource Management Plan. In the NEMO Planning Area, almost 90 percent of the course passes through prime desert tortoise habitat. In addition, lands that were identified as part of the course are now under the jurisdiction of the NPS. The above major changes to land-use allocation and resource sensitivity have occurred since 1982 when the CDCA Plan was amended to permit the Thanksgiving weekend point-to-point motorcycle race.

A related issue is the existing special criteria in the Recreation Element of the CDCA Plan for organized long distance point-to-point competitive vehicle events. Currently, outside of OHV open areas and identified race courses, an organized competitive event may be proposed in MUC I and M, and in MUC L consistent with identified criteria. However, most of the issues identified for MUC L are driven by legal mandates that are also applicable on other public lands. No organized, competitive race is likely to be permitted under the existing criteria in the NEMO planning area given wilderness and wilderness study area designations, existence of designated T & E species and their habitat, presence of significant cultural/historic resources and other considerations. Therefore, the BLM needs to determine an appropriate strategy for competitive, organized speed events desert-wide. Desert-wide strategies are also being considered in adjacent planning areas to the west (West Mojave) and south (Northern and Eastern Colorado). The questions to be addressed in the NEMO planning effort are:

- Should the B-to-V point-to-point racecourse be modified or eliminated, based on the changes to land-use allocation and resource sensitivity that have occurred since the course's designation in 1982?
- What desert-wide strategy for Organized Competitive Vehicle Events makes sense in the NEMO planning area for the next twenty years?
- Should desert-wide criteria be developed for organized competitive races outside of OHV open areas in the California Desert?

1.3.9 MOTORIZED ROUTES OF TRAVEL DESIGNATIONS

By BLM policy, all routes of travel designations (motorized) are now made as land-use planning decisions. In the California Desert, motorized vehicle access and other land uses enjoy a close relationship. Motorized travel is most often the focus of recreational activities (e.g., driving for pleasure or in pursuit of specific recreational hobbies, participating in dual-sport motorcycle events, or racing in organized events), or a means of getting to recreation sites such as campgrounds and trailheads. Routes of travel designations also directly affect access, and thus opportunities, for nonrecreational pursuits such as mining exploration, conduct of ranching operations and other land uses authorized on public lands, and indirectly, development of adjacent private lands.

Prior to the approval of the CDCA Plan, as amended, BLM managed access, recreation, and vehicle use under the Interim Critical Management Program (ICMP) and guidelines set forth in Executive Orders 11644 (Use of Off-road Vehicles on Public Lands, Nixon, 1972) and 11989 (Off-road Vehicles on Public Lands, Carter 1977). The ICMP and the CDCA Plan provided interim designations of routes within the boundaries of the CDCA and noted that these designations would be in effect until anticipated implementation of updates could occur (1982 CDCA Plan Amendment ROD, p. 20. The CDCA Plan was amended in 1982 to ensure that the rules in the Code of Federal Regulations (CFR) would be followed during route designation efforts.

The guidance in 43 CFR 8342.1 requires that all designations pertaining to off-road vehicle use be based on:

- the protection of the resources of the public lands,
- the promotion of the safety of all the users of the public lands, and
- the minimization of conflicts among various uses of the public lands.

Within this framework, three goals for routes of travel designation were identified in the CDCA Plan's Motor-Vehicle Access Element, as amended in 1985. These include to:

- provide for constrained motorized vehicle access in a manner that balances the needs of all desert uses, private landowners, and other public agencies;
- when designating or amending areas of routes for motorized vehicle access, to the degree possible, avoid adverse impacts to desert resources;
- use maps, signs and published information to communicate the motorized vehicle access situation to desert users. Be sure all information materials are understandable and easy to follow.

The CDCA Plan required designation of areas and specific routes. Subsequent to designation of "closed", "limited" or "open" areas for motorized-vehicle use, the CDCA Plan required on-the-ground route designation of routes of travel occur within areas designated "limited" for motorized-vehicle use. Within Multiple-Use Class (MUC) "L" (Limited) a route network comprised of specific "approved" routes would be identified, while a route network comprised of existing routes of travel could be utilized in Multiple-Use Classes "I" (Intensive), "M" (Moderate), and "C" (Controlled). "Existing routes of travel" were defined as routes existing before December 31, 1978 (the date of full aerial photo coverage of the CDCA).

In the NEMO planning area, approximately 40% of the area has been designated as wilderness. An additional 10% has been designated or remains in wilderness study area status, which awaits Congressional decision on wilderness suitability. Approximately 50%, or 1.2 million acres, is designated as "limited" for motor-vehicle access and needs site-specific analysis to designate a route network. In the NEMO planning area, route designation for approximately 30 percent of the route network will be completed with this planning effort. The questions to be addressed in the NEMO planning effort include:

- What strategy should the BLM utilize to complete route designation in the rest of the NEMO planning area?
- Is the existing route designation strategy adequate to identify and classify a valid route network?

1.3.10 INYO COUNTY LANDFILLS

In 1993 and 1994, the Department of the Interior implemented new policies which require the BLM to either convey out of Federal ownership by patent or close existing landfills operating on public lands. In 1995, the CDCA Plan was amended to reflect this policy by not allowing new landfills on public lands. "Closure" is a technical process that can take many years and involves the oversight of State regulatory agencies. Patenting is the preferred approach of most operators (Counties). Issuance of patents (transfer of ownership) is required prior to any expansion of current landfilling activities. The question to be addressed in this planning effort is:

- Should the MUC be changed on lands being used as landfills to make them available for conveyance to the County of Inyo?

1.3.11 WILD AND SCENIC RIVERS ELIGIBILITY: IDENTIFICATION AND CLASSIFICATION

The BLM has been mandated to evaluate potential additions to the National Wild and Scenic River System (NWSRS) per Section 5(d) of the Wild and Scenic Rivers Act of 1968 (16 United States Code 1271-1287, *et seq*). Title 43 CFR, Subpart 8350, specifically addresses designation of management areas. NWSRS study guidelines have also been published in Federal Register Volume 7, Number 173 (September 7, 1982), for public lands managed by the U.S. Departments of Agriculture and Interior. Additional guidance on wild and scenic rivers is provided in BLM Manual 8351.

During analysis of the Amargosa vole amendment, the Amargosa River was identified as potentially eligible for Wild and Scenic River designation. Two other rivers, Cottonwood Creek and Surprise Canyon in the northern portion of the NEMO Planning Area were also identified with Outstandingly Remarkable Scenic Values. The question to be addressed in this planning effort is:

- What segments of the Amargosa River, Cottonwood Creek, and Surprise Canyon meet eligibility criteria for Wild and Scenic Rivers designation and what potential classification should be identified for potentially eligible segments?

The eligibility reports are submitted as Appendix O for the Amargosa River segments, Appendix S for the Cottonwood Creek segment, and Appendix T for the Surprise Canyon segments.

1.4 RELATIONSHIP TO LAWS, REGULATIONS AND POLICIES

The proposed action and alternatives are consistent with applicable Federal statutes and regulations, including;

- the Federal Land Policy and Management Act (FLPMA),
- the National Environmental Policy Act,
- the Federal and California Endangered Species Acts,
- the Sikes Act,
- the Taylor Grazing Act,
- the Wild, Free-Roaming Horse and Burro Act,
- the National Historic Preservation Act,
- the Clean Water Act, the Clean Air Act,
- the Wilderness Act,
- the California Desert Protection Act,
- Mining and Minerals Policy Act of 1970,
- 1872 Mining Law, National Materials and Minerals Policy,
- Research and Development Act of 1980,
- Executive Orders and Congressional mandates.

In addition, the desert tortoise proposed action and alternatives tier off of two additional policy documents: *Desert Tortoise Habitat Management on Public Lands: A Rangewide Plan* and *California's Statewide Desert Tortoise Management Policy.*

1.5 FRAMEWORK OF THE CDCA PLAN, 1980

For lands under the jurisdiction of the BLM, existing land use planning guidance for the area is found in the CDCA Plan of 1980, as amended. The plan alternatives would amend the approved CDCA Plan for the NEMO planning area. Existing activity plans in the planning area would not be directly affected, except for the areas identified herein.

The framework of the CDCA Plan is based on land-use management by geographic zones, i.e. the types of uses that are appropriate for various areas of the California Desert in light of existing resource values. The Plan provides overall direction through four multiple-use classes (MUCs): Controlled Use (C) for wilderness areas, Limited Use (L), Moderate Use (M), and Intensive Use (I). See the CDCA Plan, as amended, 1980, pp. 15-20 for a complete list of MUC guidelines for each resource and use. Management direction is given for various resource values and uses such as utility corridors, domestic livestock grazing, and threatened and endangered species conservation through the goals for each of these elements of the Plan. Special areas are identified for conservation and protection of important values, and appropriate management direction identified to be further developed into site-specific conservation actions for these areas. Chief among these are Wildlife Habitat Management Areas and Areas of Critical Environmental Concern (ACECs).

No alternatives address the management of areas outside of the planning area, except that standards for public lands, grazing management guidelines, and organized competitive vehicle event decisions can not be adopted and implemented until also evaluated in other planning areas within the CDCA.

1.6 RELATIONSHIP TO OTHER PLANS

Plan Coordination

Several issues in this planning effort are being simultaneously addressed in adjacent planning efforts including the BLM-led West Mojave Plan, Northern and Eastern Colorado Plan, recently completed Las Vegas Resource Management Plan as well as the Mojave National Preserve and Death Valley National Park General Management Plans. Therefore there is a need for consistency on issues which are common and particularly sensitive to two or more plans. However, many of these issues and solutions will be planning-area specific. NEMO decisions, which may be deferred to assure desert-wide consistency, include the following:

- adoption of standards and guidelines;
- adoption of a strategy for OHV competitive events outside of open areas;
- a decision on the future of the Barstow-to-Vegas race course;

A record of decision on these issues may be deferred until comment has been received from participants and publics interested in other bioregional plans currently underway in the CDCA and other appropriate public involvement has occurred.

This NEMO Planning Effort has been developed in response to USFWS recovery plans for the federally and State listed desert tortoise and Amargosa vole. The relationship of specific strategies identified in this planning effort and recommendations in those recovery plans are indicated in specified appendices (Appendix A for desert tortoise, Appendix H for Amargosa vole). The NEMO Planning Effort adopted the goals of both recovery plans, and the recovery objectives for the Amargosa vole. For desert tortoise, this planning effort as in other planning efforts within the four-state range of the listed desert tortoise, has developed strategies that vary in some respects from the recommended actions in the recovery plan. These differences are based on identifying recovery-unit and DWMA-specific alternatives to meet the goals of the USFWS recovery plan. For a discussion of how the recovery plan recommends addressing potential threats to the desert tortoise and its habitat, and how the preferred alternative addresses these issues in the NEMO Planning Area, see Appendix C.

The NEMO Planning Area was one of three planning areas that were established in the desert region of southern California to address desert tortoise issues. A fourth area was identified for the same purpose in southern Nevada. The initial objectives of these planning efforts were to gather information, define issues, and develop methods to resolve issues. Due to the complexity of preparing and completing an Environmental Impact Statement or EIS, on four geographically different and complex land areas, it was

determined that a separate EIS be prepared for each planning effort. The four plans to be developed were: the Las Vegas Resource Management Plan, or LVRMP for the northeastern and eastern Mojave Planning Effort in Nevada[8]; the West Mojave Plan, or WEMO, for the western Mojave Desert; the Northern and Eastern Colorado Planning Effort, or NECO, in the northern and eastern Colorado Desert; and this planning effort, the Northern and Eastern Mojave Planning Effort, or NEMO, for the northeastern and eastern Mojave Desert in California. A brief description of each of the other planning efforts follows.

Northern and Eastern Colorado Plan

Led by the Bureau of Land Management, Federal and State agencies are cooperatively developing this CDCA plan amendment to address recovery of the desert tortoise and management of additional special status species and natural communities in the northern and eastern Colorado Desert. The planning area is twice the size of NEMO, and is adjacent to NEMO, south of I-40. NEMO and NECO share adjoining boundaries of extensive desert tortoise habitat across I-40. NECO's habitat is in two other desert tortoise recovery units.

West Mojave Plan

Led by the Bureau of Land Management, Federal, State and local agencies are cooperatively developing this CDCA plan amendment for public lands and habitat conservation plan (HCP) on private lands to address recovery of the desert tortoise and management of a number of other species in the western Mojave Desert. The Planning Area is about four times the size of NEMO and abuts NEMO on most of the western boundary of the planning area.

Las Vegas Resource Management Plan

Led by the Bureau of Land Management, this land use plan addressed all resource uses on public lands, but emphasizes recovery of the desert tortoise in the northern and eastern Mojave Desert in Nevada. Thus, the LVRMP and NEMO share portions of both recovery units that are the focus for their recovery strategies. The LVRMP Planning Area is about 40% larger than NEMO, and abuts NEMO on the southeastern boundary of the Planning Area. The Record of Decision was released in October, 1998, indicating the LVRMP decisions. As subsequently amended, these decisions would be consistent with NEMO proposals for desert tortoise in the eastern Mojave Desert.

Death Valley National Park General Management Plan

In August 1999, the National Park Service released a Draft Environmental Impact Statement for a proposed update to the existing General Management Plan and alternatives covering the expanded 3.4 million-acre Death Valley National Park. The Death Valley National Park is located in the transition between the East Mojave and the

[8] The DEIS for this plan was published as the Stateline Resource Management Plan.

Basin and Ranges Province and is adjacent to the northern third of the NEMO planning effort. Issues included wilderness, Timbisha Indian lands, burro management, and management of natural hot springs. A revised Draft EIS is expected in the late summer or early fall of 2000.

Mojave National Preserve General Management Plan

In September 1999, the National Park Service released a Draft Environmental Impact Statement for a proposed General Management Plan and alternatives covering the 1.6 million-acre Mojave National Preserve. The Mojave National Preserve is located in the East Mojave and is adjacent to and west of the southern third of the NEMO planning effort. Issues included conservation of the East Mojave and the Northern and Eastern Mojave populations of desert tortoise, grazing management, route management, and facilities. A revised Draft EIS is expected in the late summer or early fall of 2000.

1.7 PLAN GOALS

In summary, the plan goals are to address the purposes and needs identified at the outset of this chapter. They include the following:

1. Adopt standards for public land health and guidelines for grazing management in the Planning Area;
2. Identify management actions to conserve and recover threatened and endangered (T&E) species, particularly the desert tortoise, Amargosa vole, three listed riparian obligate birds and three listed plants, as well as species that may be considered for listing in the reasonably foreseeable future;
3. Make Multiple-use Class (MUC) decisions for lands released from wilderness consideration and make changes required to make the CDCA Plan conform to the California Desert Protection Act (CDPA);
4. Adopt a off-highway vehicle (OHV) strategy for motorized competitive speed events;
5. Adopt a strategy for route designation in the NEMO Planning Area consistent with 43 CFR 8342.1.
6. Change the Multiple-Use Class to enable disposal of existing landfills on public lands in the Planning Area; and
7. Identify potentially eligible river segments on public lands for inclusion in the National Wild and Scenic Rivers System.

Alternatives have been formulated in the next chapter to address each of these plan goals.

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